

09/698,379

MS150499.01/MSFTP151US

REMARKS

Claims 1-40 are currently pending in the subject application and are presently under consideration. Claims 1, 12, 14, 20, 21, 24, 26 and 34 have been amended herein. Applicants' representative would like to thank Examiner Fadok for the courtesies extended during a telephone conference on December 29, 2004 in which Applicants' representative submitted that the non-responsive amendment rejection set forth in the subject Office Action is improper. Applicants' representative noted that the preceding Reply was an RCE, which is governed under 37 CFR §1.114, and that the Examiner based the subject rejection pursuant to 37 CFR §1.111, which pertains to non-final Office Actions. Unlike 37 CFR §1.111, 37 CFR §1.114 does not require an explanation of how claim amendments obviate cited references. Upon consideration of this submission, Examiner Fadok agreed that the non-responsive amendment rejection is improper and stated that it will be withdrawn. Favorable consideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

CONCLUSION

The present application is believed to be in condition for allowance, in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

AMIN & TUROCY, LLP



Himanshu S. Amin  
Reg. No. 40,894

AMIN & TUROCY, LLP  
24<sup>TH</sup> Floor, National City Center  
1900 E. 9<sup>TH</sup> Street  
Cleveland, Ohio 44114  
Telephone (216) 696-8730  
Facsimile (216) 696-8731